

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

0 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey****In Re: Rubier J Betancourt****Case No.:****16-20518 SLM****Judge:****Hon. Stacey L. Meisel****Debtor(s)****CHAPTER 13 PLAN AND MOTIONS**☐ **Original**☒ **Modified/Notice Required****Date:****August 21, 2020**☐ **Motions Included**☐ **Modified/No Notice Required****THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.****YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' /s/ RIL Initial /s/ RJB Initial Co-Debtor  
Attorney Debtor:

### Part 1: Payment and Length of Plan

a. The debtor has paid to date \$17,200 and starting on September 1, 2020 shall pay the Trustee \$820 per month for the remaining 33 months of this 84 month plan.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property  
Description:  
Proposed date for completion:

☐ Refinance of real property:  
Description:  
Proposed date for completion:

☐ Loan modification with respect to mortgage encumbering property:  
Description:  
Proposed date for completion:

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ **Other information that may be important relating to the payment and length of plan:**  
**Debtor has suffered a material reduction of income due to COVID19 pandemic and had a confirmed plan entered on October 28, 2016. Debtor has recently entered into a Consent Order with Kira Development LLC on May 22, 2020 to resolve a Default under the Consent Order of September 30, 2016. Plan is now a 100% Plan based on filed Proof of Claims.**

### Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Law Office of Ronald I. LeVine	Admin.	10,229.25

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:  
☒ None  
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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**Part 4: Secured Claims****a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Kira Development. LLC	6325 Kennedy Blvd., North Bergen New Jersey	\$95,203.47	0	0	Per consent orders on 9/30/16 and 5/22/20

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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**c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☒ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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**f. Secured Claims Unaffected by the Plan ☒ NONE**

The following secured claims are unaffected by the Plan:

**Creditor**

**Debtor's co-signing lease of daughter's car by Toyota Motor Credit Corp. for 2015 Highlander. Relief from Stay has been entered in this case since filing.**

**g. Secured Claims to be Paid in Full Through the Plan ☐ NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan
State of NJ Div.of Taxation DJ-169819-2013	6325 Kennedy Blvd. North Bergen, NJ	4,719.96

**Part 5: Unsecured Claims ☐ NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$\_\_\_\_ to be distributed *pro rata*
- ☒ Not less than 100 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. **Separately classified** - None

**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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**Part 7: Motions** ☒ **NONE**

**NOTE: All plans containing motions must be served on all affected lienholders, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).** ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☒**NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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**Part 8: Other Plan Provisions****a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claim of Sate of New Jersey
- 4) General Unsecured Claims

**d. Post-Petition Claims**

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☐ NONE**

**NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.**

If this Plan modifies a Plan previously filed in this case, complete the information below.  
Date of Plan being modified: 10/28/16

Explain below why the plan is being modified:	Explain below how the plan is being modified:
To expand the Plan to 84 months and address the trustee Motion to Dismiss Case .	Se 1(a) & 1(e) , 3(a) , 4(e) , and 5(a)

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10 : Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

## Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

**Date:** August 21, 2020

/s/ Rubier J Betancourt

**Rubier J Betancourt**  
**Debtor**

**Date:** \_\_\_\_\_

Joint Debtor

**Date** August 21, 2020

/s/ Ronald I. LeVine

**Ronald I. LeVine**  
**Attorney for the Debtor(s)**

United States Bankruptcy Court  
District of New Jersey

In re:  
Rubier J Betancourt  
Debtor

Case No. 16-20518-SLM  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 1 of 2  
Total Noticed: 31

Date Rcvd: Aug 24, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 26, 2020.

db +Rubier J Betancourt, 6325 Kennedy Blvd Apt 2R, North Bergen, NJ 07047-3420  
sp +J. Alvaro Alonso LLC, 6121 Kennedy Boulevard, North Bergen, NJ 07047-3483  
sp +Kim Law Firm, LLC, 411 Hackensack Ave, Hackensack, NJ 07601-6328  
cr +Kira Development, LLC, 38 Park Edge Lane, Berkely Heights, NJ 07922-1283  
cr +Seterus, Inc. as the authorized servicer for Fe, Stern, Lavinthal & Frankenberg, LLC,  
105 Eisenhower Parkway, Suite 302, Roseland, NJ 07068-1640  
516207441 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
(address filed with court: Bank of America, N.A., POB 982235, El Paso, TX 79998)  
516439730 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284  
516207447 +Grayson & Associates, LLC, 33 Bleeker Street, Suite 202, Millburn, NJ 07041-1460  
516329092 +Kira Development LLC, 38 Park Edge Lane, Berkeley Heights, NJ 07922-1283  
516207448 +Kira Development, LLC, Price, Meese, Shulman, & D'Arminio, PC, 50 Tice Boulevard,  
Attn: Mark W. Greene, Esq., Woodcliff Lake, NJ 07677-7681  
516207445 Passaic Industrial Center Association, MYNT Properties, 10 Muhammad Ali Way #800,  
New York, NY 10001  
516207450 +Passaic Industrial Center Associates, Attn: Sternbach, Lawlor & Rella, LLP,  
274 Madison Avenue, Suite 1303, New York, NY 10016-0713  
516329094 +Price, Meese, Shulman & D'Armino, 50 Tice Boulevard, Suite 380, Woodcliff, NJ 07677-7638  
516362611 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
TRENTON NJ 08646-0245  
(address filed with court: State of New Jersey, Department of Treasury,  
Division of Taxation, PO Box 245, Trenton, NJ 08695-0245)  
516207452 +Sears/CBNA, POB 6283, Sioux Falls, SD 57117-6283  
516207454 +Stellar Recovery Inc., 48 Bridge Street, Metuchen, NJ 08840-2277  
516207456 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
(address filed with court: Toyota Motor Credit Corp, 4 Gatehall Drive, Suite 350,  
Parsippany, NJ 07054)  
516238746 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013  
516302068 +Wells Fargo Bank, N.A., Business Direct Division, P.O. Box 29482, Phoenix, AZ 85038-9482

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 24 2020 23:34:12 U.S. Attorney, 970 Broad St.,  
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Aug 24 2020 23:34:08 United States Trustee,  
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
Newark, NJ 07102-5235  
516207440 +E-mail/Text: EBNProcessing@afni.com Aug 24 2020 23:34:18 Afni, Inc., POB 3427,  
Bloomington, IL 61702-3427  
516207446 +E-mail/Text: mrdiscen@discover.com Aug 24 2020 23:33:31 Discover Bank, POB 71084,  
Charlotte, NC 28272-1084  
516220648 E-mail/Text: mrdiscen@discover.com Aug 24 2020 23:33:31 Discover Bank,  
Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
516373775 E-mail/Text: JCAP\_BNC\_Notices@jcap.com Aug 24 2020 23:34:23 Jefferson Capital Systems LLC,  
PO Box 7999, Saint Cloud MN 56302-9617  
516207442 E-mail/PDF: ais.chase.ebn@americaninfosource.com Aug 24 2020 23:40:23 Chase Card,  
POB 15298, Wilmington, DE 19850  
516207449 +E-mail/PDF: resurgentbknofications@resurgent.com Aug 24 2020 23:40:59 LVNV Funding, LLC,  
POB 10497, Greenville, SC 29603-0497  
516389656 E-mail/PDF: resurgentbknofications@resurgent.com Aug 24 2020 23:40:59  
LVNV Funding, LLC its successors and assigns as, assignee of Capital One Bank (USA), N.A.,  
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
516207451 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Aug 24 2020 23:40:57  
Portfolio Recovery Associates, 120 Corporate Blvd, Suite 100, Norfolk, VA 23502  
516419303 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Aug 24 2020 23:40:29  
Portfolio Recovery Associates, LLC, C/O dell Financial Services, LLC, POB 41067,  
Norfolk VA 23541  
516207455 +E-mail/PDF: gecsed@recoverycorp.com Aug 24 2020 23:40:20 SYNCB/ Nations, POB 965036,  
Orlando, FL 32896-5036

TOTAL: 12

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516207443\* ++JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01,  
MONROE LA 71203-4774  
(address filed with court: Chase Card, POB 15298, Wilmington, DE 19850)  
516207444\* ++JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01,  
MONROE LA 71203-4774  
(address filed with court: Chase Card, POB 15298, Wilmington, DE 19850)  
516329093\* ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
(address filed with court: Toyota Motor Credit Corp., 4 Gatehall Drive, Suite 350,  
Parsippany, NJ 07054)

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 31

Date Rcvd: Aug 24, 2020

516207453 ##+Seterus, POB 1077, Hartford, CT 06143-1077

TOTALS: 0, \* 3, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner  
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social  
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required  
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 26, 2020

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system on August 21, 2020 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation  
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Jeanette F. Frankenberg on behalf of Creditor Seterus, Inc. as the authorized subservicer for  
Federal National Mortgage Association (Fannie Mae), creditor c/o Seterus, Inc. cmecf@sternlav.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Mark W. Greene on behalf of Creditor Kira Development, LLC mgreene@pricemeese.com  
Rebecca Ann Solarz on behalf of Creditor Toyota Motor Credit Corporation  
rsolarz@kmlawgroup.com  
Robert Wachtel on behalf of Debtor Rubier J Betancourt rwachtel@ronlevinelaw.com,  
ronlevinelawfirm@gmail.com  
Ronald I. LeVine on behalf of Debtor Rubier J Betancourt ronlevinelawfirm@gmail.com,  
irr72645@notify.bestcase.com

TOTAL: 7